



Southern Region **Review**



A Monthly Publication of the U.S. Army Southern Regional Environmental Office

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REGION 4 EDITION

CONTENTS

This publication provides current information on environmental actions and events in the Federal EPA Region 4 area (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee) that may be relevant to U.S. Army activities and operations. Its purpose is to keep Army environmental decision-makers, planners and program managers abreast of developments important to their responsibilities. We encourage feedback and welcome suggestions for expanded or improved coverage. Please contact us at: U.S. Army Environmental Center, Southern Regional Environmental Office, Attn: SFIM-AEC-SR, 101 Marietta Street, NW, Suite 3120 Atlanta, GA 30303-2711 Phone 404-524-5061 x275 Fax 404-524-5162 or at sreo@sreo.army.mil. For additional sources of information, please contact the Army Environmental Center <http://aec.army.mil>

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ANNOUNCEMENTS



NOTE: The Southern Region Environmental Review is now available in an electronic version only. If you would like to be added to the mailing list, please contact us at environmental.specialist@sreo.army.mil.

ATTENTION: MARK YOUR CALENDAR FOR THIS YEAR'S REGION 4 DOD/EPA/STATES ENVIRONMENTAL CONFERENCE SCHEDULED FOR JUNE 24-26, IN ATLANTA, GA. STAY TUNED FOR MORE DETAILS.

Public Hearings on Proposed New Source Review (NSR) Reforms • On March 31, 2003, the U.S. EPA will hold five public hearings on the rule it proposed in Dec. 2002 related to routine maintenance, repair and replacement under the New Source Review air permitting program. EPA will hold the meetings in: Albany, N.Y.; Dallas, Texas; Romulus, Mich.; Research Triangle Park, N.C.; and Salt Lake City, Utah. The public comment period extends through May 3, 2003. For more information on the proposed rule, hearings and submitting public comments visit: www.epa.gov/nsr

EPA's Performance Track Application Period Closes April 30 • Join EPA's National Environmental Performance Track Program and other top performing federal facilities earning recognition and rewards while fulfilling obligations for environmental leadership under Exec. Order 13148. Federal facilities and companies with a record of regulatory compliance, an operational EMS, demonstrated commitment to continued improvement, and outreach to the public and local community may be eligible to join. The Performance Track application period closes April 30, 2003, and forms can be found at: www.epa.gov/performance-track/apps/app.htm. For additional information please contact Luctrician Booth at (202) 566-2867.

National Clean Water Act Recognition Awards: Availability of Application and Nomination Information • EPA announces the availability of application and nomination information for the their 2003 Clean Water Act Recognition Awards. These awards recognize municipalities and industries for outstanding and innovative technological achievements in wastewater treatment and pollution abatement programs. Recognition is made for projects or programs in the following categories: - outstanding operations and maintenance (O&M) at wastewater treatment facilities; - biosolids exemplary management; - pretreatment program excellence; - outstanding storm water management; - combined sewer overflow (CSO) control program excellence. The awards are intended to educate the public about the contributions wastewater treatment facilities make to clean water; to encourage public support for municipal and industrial efforts in effective wastewater management, biosolids disposal and reuse, and wet weather pollution control; and, to recognize communities that use innovative practices to meet CWA permitting requirements. Nominations are due to EPA headquarters no later than May 30, 2003. Applications and nomination information can be obtained from the EPA regional offices and our Web site at <http://www.epa.gov/owm/intnet.htm>. Further Information: Maria E. Campbell, (202) 564-0628, campbell.maria@epa.gov <http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-5911.htm>

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-5911.pdf>

EPA 2003-2008 Strategic Plan • EPA has released their draft FY 2003-2008 Strategic Plan. The Plan lays out EPA's five long-term goals and will be used as a guide measuring progress, and prioritizing environmental issues. The Strategic Plan is built around five goals, centered on the themes of air, water, land, communities and ecosystems, and compliance and environmental stewardship. In addition, the Plan discusses strategies the Agency is applying across all five goals, in areas such as science, human capital, innovation, information, homeland security, and partnerships. The Plan is available at: <http://www.epa.gov/ocfo/plan/2003sp.pdf>. Comments related to the Plan are due April 25, 2003. Potential Impact or Relevance: Potential interest to those involved in long-term environmental planning.

Toxics Release Inventory Training • EPA will be providing training courses for staff involved with Toxics Release Inventory (TRI) reporting under the Emergency Planning and Community Right-to-Know Act (EPCRA) section 313. This year's training workshops are designed for first-time filing facilities and staff with limited TRI experience. Workshops last one day and will occur during April and June. Training dates, locations and training materials are available at: <http://www.otis.abtassoc.com/tritraining/TRIReq.exe>

CONFERENCES AND EVENTS



Event	Date	Where	Information
Introductory Risk Communication Workshop	April 8-10 April 15-17 June 3-5 August 26-28, 2003	Las Vega, NV Anchorage, AK Providence, RI Seattle, WA	This course is designed to provide the participant with a basic understanding of the concepts, principles, and process of effective risk communication, including building strategic stakeholder relationships that provide the framework for discussion of complex risk issues. For more information or to register on line go to: http://chppm-www.apgea.army.mil/risk or call Ms Suaquita Perry at 410-436-3515
National Pollution Prevention Roundtable Spring Conference	April 8-11, 2003	Louisville, KY	The P2 Roundtable will bring together the most preeminent pollution prevention practitioners and experts to share the latest in policy, regulatory and technical information. For further information, please visit www.p2.org/events/spring2003

NDIA's 29th Environmental and Energy Symposium and Exhibition	April 7-10, 2003	Richmond, VA	Sponsored by the Environment and Energy Division and NDIA, this symposium will provide a national forum for the exchange of technical information, government policy, regulations, programs and laws, and new ideas on environmental and energy issues and areas of concern. The symposium web site is at http://register.ndia.org/interview/register.ndia?~Brochure~3440 . For further information, please contact Derek Jenks, NDIA, at djenks@ndia.org .
Water Resource Management Workshop	April 15-16, 2003	Denver, CO	The Federal Energy Management Program is presenting this workshop for facility resource managers responsible for water management and conservation, and for adherence to Executive Order 13123. The course will cover legislation and legal issues concerning water management in the federal sector; impacts of Executive Order 13123; opportunities for water conservation; auditing, leak detection and metering; drought management; and integrated resource planning. For more information or to register, link http://www.pnl.gov/femp
EPA Federal Facilities Remediation Seminar	April 15-17, 2003	Washington, DC	This interactive workshop will focus on current and evolving issues that remedial project managers and other environmental professionals encounter during the post- record of decision phase of environmental cleanups at federal facilities. For further information, please visit http://www.trainex.org .
Deconstruction Conference	May 7-10, 2003	Gainesville, FL	For further information including the conference brochure and registration information please contact the Center for Construction and Environment Tel: (392)-392-7502 or visit the CCE Web site at www.cce.ufl.edu
American Indian Cultural Communications Course	May 6-8, 2003	Panama City, FL	This course is designed to help staff at DoD facilities understand the DoD American Indian/ Alaska Native Policy and how to implement it at their sites. The instruction covers three and a half days, and special events are scheduled outside of class time. Dr. Donata Renfrow 678-357-6513 (day or evening) donata@mindspring.com
In-situ Contaminated Sediment Capping Workshop	May 12-14, 2003	Cincinnati, OH	This workshop, sponsored by EPA, NOAA, USACE, the Navy, and EPRI will include presentations from regulators, academia, and industry on site characterization; cap design; case studies; new developments; and monitoring. For registration and more information, refer to the Electric Power Research Institute web site at http://www.epri.com/event_attachments/1686_1007587.pdf and go to Events, May 2003.
DOI Environmental Conference	May 13-15, 2003	Phoenix, AZ	Hosted by the U.S.Fish and Wildlife Service, the conference is themed: "Partnering for Environmental Stewardship: Resource Conservation for the Future." For more information, or to register, please visit www.doi.gov/conference/environment
In-situ Contaminated Sediment Capping Workshop	May 12-14, 2003	Cincinnati, OH	This national workshop will review the science, technology and applications of capping at contaminated sediment sites, examine lessons learned, and discuss future directions. The Workshop sponsors are soliciting presentations for the platform and poster sessions. Abstracts are due February 15. For more information and instructions for submitting abstracts, see http://www.epri.com . Go to Events for May 2003, click on Call for Papers or contact Ash Jain at Ajain@epri.com .

Intermediate Risk Communication Workshop	May 12-15, 2003	San Antonio, TX	The intermediate course builds on basic understanding and skills learned in the Introductory course, providing the participant with hands-on experience in applying the steps of the process, on-camera media practice, and seminar-style discussion of hot issues impacting military health and readiness. For more information or to register on line go to: http://chppm-www.apgea.army.mil/risk or call Ms Suaquita Perry at 410-436-3515
2003 Real World Clean Air Symposium	May 19-22, 2003	Seattle, WA	If you are involved in clean air issues, this is the event for you! Find out more about the symposium by clicking on the link http://www.usasymposium.com/cleanair/default.htm .
11th Annual Global Demilitarization Symposium and Exhibition	May 19-22, 2003	Sparks, NV	This event continues to support the DoD in efforts directed at reducing the stockpile of excess and obsolete strategic, tactical, and conventional munitions. The agenda will focus on the global challenges and successes experienced in the disposition of energetic materials. For further information, please contact Tim Becker or Dawn Harper, NDIA, at (703) 247-2573, or email tbecker@ndia.org or धारपर@ndia.org .
CECOS Environmental Negotiation Workshop	May 20-23, 2003	Jacksonville, FL	This course provides instruction on the negotiating and communication skills necessary to establish productive relationships and achieve beneficial agreements with regulatory and public stakeholders. The course stresses the human, organizational and public interaction aspects of building constructive relationships with stakeholders in order to obtain mutually beneficial decisions in environmental decision making. For further information, please visit https://www.cecos.navy.mil ; or contact David Bell, CECOS, at (805) 982-6528.
The Defense Environmental Manager	May 28-30, 2003	Oklahoma City OK	For more information contact: http://www.envtraining.com/Course%20Descriptions/BTmanagers.htm



DOD News

Military Munitions Rule Guide • The Military Munitions Rule compliance guidance is now available on the web. Can also obtain CD from AEC, TIC. Memo is supposed to come out from G-4 stating its availability – ODEP action. You must have a DENIX account in order to access the document.
<https://www.denix.osd.mil/denix/DOD/Library/AEC/mmrguide1102.pdf>



STUDIES AND REPORTS

Recommendations for Improving the Underground Storage Tank Program (GAO-03-529T-3/5/03) GAO has released a report reviewing the underground storage tank program. The report discusses the need for on-site auditing (inspection) to establish compliance with monitoring and other requirements. The report indicates that officials in 40 states said that they would support a federal mandate requiring states to periodically inspect all tanks,

in part because they expect that such a mandate would provide them needed leverage to obtain the requisite inspection staff and funding from their legislatures. The report is available at:

<http://www.gao.gov/new.items/d03529t.pdf> Further Information: John Stephenson at (202) 512-3841.
<http://www.gao.gov/new.items/d03529t.pdf>

EPA's Interim Assessment Guidance for Perchlorate January 2003, 5 pages. • Issued EPA Office of Solid Waste and Emergency Response. The memorandum reaffirms the 1999 interim guidance on perchlorate originally transmitted on June 18, 1999 (the "1999 Interim Guidance"). In the absence of a finalized oral health risk benchmark for perchlorate, but in light of ongoing assessment activities by EPA, states and other interested parties, EPA is reaffirming the 1999 interim guidance based on a provisional RfD range. Because an RfD represents a scientific estimate (with uncertainty spanning perhaps an order of magnitude) of a daily oral exposure to a human population including sensitive subgroups which is likely to be without appreciable risk of adverse health effects, it does not represent a "bright-line" between safety and risk, but provides a starting point for risk management decisions. View or download at http://www.epa.gov/swerrims/docs/perchlorate/perchlorate_memo.pdf. The 1999 Interim Guidance referenced in the memorandum can be found at http://www.epa.gov/swerrims/docs/perchlorate/interim_guid_perchlorate_6-99.pdf

Small Water Systems Information and Guidance • EPA publishes many guidance documents to assist small drinking water systems comply with drinking water requirements. "Complying With the Revised Drinking Water Standard for Arsenic: Small Entity Compliance Guide" is one such document designed for small drinking water systems affected by the revised Arsenic Rule. To access this and other guides, please visit www.epa.gov/safewater/smallsys/ssinfo.htm

Perchlorate Remediation Information. • A new web page devoted to perchlorate remediation has been launched on the CLU-IN site. This page provides access to over 40 technical reports, journal articles, web pages, and other materials from public and private sources. Representing the latest advancements in the research and application of perchlorate treatment technologies, these resources provide up to date information in a number of formats including treatability studies, cost and performance reports, case studies, presentations, and peer reviewed literature. View and download the perchlorate remediation resources on CLU-IN at <http://clu-in.org/perchlorate>.

Characterization and Remediation of Soils at Closed Small Arms Firing Ranges (SMART-1). • This document was developed by the Interstate Technology and Regulatory Council (ITRC). The guidance is designed to display a logical and easy-to-follow decision diagram for determining how best to remediate lead and lead-contaminated soils at closed small arms firing ranges. A decision diagram is included to assist the practitioner in formulating a proper strategy for removing the threat that metal, particularly lead, presents at small arms firing ranges. This decision diagram and accompanying documentation is valuable for planning, evaluating, and approving lead soil remediation systems (February 2003, 207 Pages). View or download at <http://www.itrcweb.org/SMART-1.pdf>.

Alternative Landfill Cover Profiles On-line. • Prepared by U.S. EPA's Technology Innovation Office, this database contains information about proposed, tested, or installed alternative design covers at waste disposal sites, including municipal solid waste and hazardous waste landfills and radioactive waste sites. The majority of alternative design covers featured are evapotranspiration (ET) covers and capillary barrier covers. As of February 2003, the database included 56 landfills/waste sites and 85 covers (some sites have more than 1 cover). Most of the cover projects are demonstrations. Several are full-scale applications. To access the profiles, visit <http://clu-in.org/products/altcovers>.

Technology Status Report: Treatment Trains for Remediation of Soil and Groundwater (TS-03-01). • This report was produced by the Ground-Water Remediation Technologies Analysis Center (GWRTAC). It includes an appendix that contains 48 case studies where treatment trains were used to remediate groundwater or soil, either in situ or ex situ. For the purposes of this document, a treatment train was defined as the sequential use of unique remediation technologies to treat the same volume of contaminated soil or groundwater. Several summary tables and figures were generated from the compiled information, and interpretive text provided. (January 2003, 167 pages). View or download the full report at http://www.gwrtac.org/pdf/train_full.pdf For other download options, see http://www.gwrtac.org/html/tech_status.html#TRAINS.

Groundwater Central®, a new portal for Internet-based groundwater information that consists of a resource "links" database and several integrated communication components, was launched by the Ground-Water Remediation

Technologies Analysis Center (GWRTAC). The "smart" search engine provides a one-stop shop to browse for a wide variety of information from on-line publications, to case studies, data repositories, vendors, and announcements for events. Communication center components integrated into Groundwater Central© include a public discussion forum, public events calendar, and a chat room. For more information, see <http://www.groundwatercentral.info>.

EPA Guidance Documents for Soil Screening, and Institutional Site Controls (EPA Recent Additions-3/7/03)

EPA has posted some recently issued guidance documents relevant to site remediation: Supplemental Guidance for Developing Soil Screening Levels for Superfund Sites, available at

<http://www.epa.gov/superfund/programs/risk/toolthh.htm> soil, specifically

http://www.epa.gov/superfund/resources/soil/ssg_main.pdf

Institutional Controls: A Guide to Implementing, Monitoring, and Enforcing Institutional Controls at Superfund, Brownfields, Federal Facility, UST and RCRA Corrective Action Cleanups, August 2002, available at:

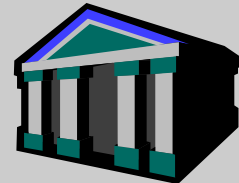
<http://www.epa.gov/superfund/action/ic/guide/icgdraft.pdf> The purpose of this guidance is to : (1) provide Superfund, Brownfields, Federal Facility, Underground Storage Tank (UST), and Resource Conservation and Recovery Act (RCRA) corrective action site managers and site attorneys with an overview of responsibilities for the implementation, monitoring, and enforcement of institutional controls (ICs) at their sites; and (2) discuss some of the common issues site managers and site attorneys may encounter when carrying out these responsibilities.

Strategic Framework Needed to Address Challenges Posed by Aircraft Emissions (GAO-03-252-3/7/2003)

General Accounting Office has published a report titled "Strategic Framework Needed to Address Challenges Posed by Aircraft Emissions." The report found that many airports have taken measures to reduce emissions, such as converting airport ground vehicles from diesel or gasoline to cleaner alternative fuels. Many industry and government officials that GAO contacted said that new, stricter federal air quality standards that will go into effect in 2003, combined with a boost in emissions due to an expected increase in air travel, could cause airports to be subject to more federal emission control requirements. In 1998, a group of government and industry stakeholders was established to develop a voluntary nationwide program to reduce aviation-related emissions; however, thus far, the group has not agreed to specific objectives or elements of a program. Research and development efforts by the federal government and the aircraft industry have improved fuel efficiency and reduced many emissions from aircraft, including hydrocarbons and carbon monoxide, but have increased emissions of nitrogen oxides, which are a precursor to ozone formation. As a result, many new aircraft are emitting more nitrogen oxides than the older aircraft they are replacing. Many state and federal officials GAO contacted said that, in the long term, nitrogen oxides emissions from aircraft will need to be reduced as part of broader emission reduction efforts in order for some areas to meet federal ozone standards. The report recommends that the Federal Aviation Administration develop a strategic framework that addresses the need for information on the extent and impact of emissions, identifies reduction options, establishes goals and time frames for achieving needed reductions, and defines the roles of government and industry in developing and implementing reduction programs.

Potential Impact or Relevance: Potential interest to aircraft related weapons programs. Further Information: Gerald L Dillingham at (202) 512-3650 or DillinghamG@gao.gov. <http://www.gao.gov/new.items/d03252.pdf>

FEDERAL - NOTICES AND RULEMAKING



CAA

National Emission Standards for Hazardous Air Pollutants: Engine Test Cells/Stands (OAR Recent Additions - 2/28/2003) In advance of publication, EPA has posted the final national emission standards for hazardous air pollutants (NESHAP) for engine test cells/stands. The final rule covers four subcategories of engine test cells/stands located at major source facilities: 1) engine test cells/stands used for testing internal combustion engines with rated power of 25 hp (19 kW) or more, 2) engine test cells/stands used for testing internal combustion engines with rated power of less than 25 hp, 3) engine test cells/stands used for testing combustion turbine engines, and 4) engine test cells/stands used for testing rocket engines. However, new or reconstructed affected sources used for testing

combustion turbine engines or rocket engines are not required to comply with the emission limitation or the recordkeeping or reporting requirements in the final rule. The compliance date for existing sources is 3 years after rule publication. The compliance date for new sources is the effective date or upon startup. Further Information: Jaime Pagán, Emission Standards Division, EPA, Research Triangle Park, NC, (919) 541-5340, pagan.jaime@epa.gov. http://www.epa.gov/airlinks/engine_test.pdf

Natural and Cultural Resources

Executive Order 13287 Preserve America (68 FR 10635 - 3/5/2003) The President has issued Executive Order 13287 "Preserve America." The order requires Federal agencies to recognize and manage the historical properties in their ownership as assets that can support department and agency missions while contributing to the vitality and economic well-being of the Nation's communities and fostering a broader appreciation for the development of the United States and its underlying values. Specific provisions of the order include: - Creation of preservation partnerships. - Improving Federal agency planning and accountability. - Improving Federal stewardship of historic properties. - Promoting preservation through heritage tourism.
<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/03-5344.htm>

<http://a257.g.akamaitech.net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-5344.pdf>

STATES



LEGISLATIVE CALENDAR

	Convenes	Adjourns
Alabama	03/04/03	06/17/03
Florida	03/04/03	05/02/03
Georgia	01/13/03	Mid 03/03
Kentucky	01/07/03	03/25/03
Mississippi	01/07/03	03/06/03
North Carolina	01/29/03	Summer 2003
South Carolina	01/14/03	06/05/03
Tennessee	01/14/03	05/03

ALABAMA

Final Rules

NOx Emissions (AAC 335-3-8-.15) Final rule by the Alabama Department of Environmental Management, (ADEM) Air Division, amends regulations under AAC 335-3-8-.15 regarding NOx emissions. The rule provides the expected level of nitrogen oxide (NOx) emissions to new facilities applying for permits to operate combined-cycle electric generating units. The rule is effective Jan. 23, 2003. Contact: Phillip Davis; DEM, Air Division; (334-271-7875) http://es.bna.com/cgi-bin/es_upd?al_a335eft031

Proposed Rules

Hazardous Waste (Chapter 335-14-1 et seq.) The ADEM is proposing to adopt federal hazardous waste standards published between 07/01/01 and 06/30/02. The standards include: (1) hazardous waste incinerator MACT standards; and (2) corrective action management unit standards. The department held a public hearing on December 18, 2002. Written comments were due December 20, 2002. The Environmental Management Commission met on

2/25/03 to review the proposed regulations. Contact: Amy Zachary (334) 271-7730
<http://www.adem.state.al.us/PubHearings/PubHearings.htm>

Adoption of Federal CAA NESHAP Rules (Chapters 335-3-1, 335-3-3, 335-3-8, 335-3-17, and 335-3-18) The ADEM is proposing to incorporate by reference federal air regulations published between 06/03/02 and 10/21/02. The NESHAPs include: (1) secondary aluminum production amendments; (2) pesticide active ingredient production amendments; (3) polyvinyl chloride and copolymers production; (4) surface coating of large appliances; (5) portland cement manufacturing amendments; (6) generic MACT amendments; and (7) phosphoric acid manufacturing and phosphate fertilizer production amendments. Other incorporated federal standards include: (1) emission inventory reporting for stationary sources under the Consolidated Emissions Reporting Rule; (2) requirements for removal, handling, and disposal of asbestos-containing material; (3) technical corrections to the NOx emissions rules; (4) amendments to transportation conformity; and (5) updates to the acid rain program. The Department held a public hearing 01/08/03. Written comments were due 01/08/03. The Environmental Management Commission was scheduled to meet 02/25/03 to review the proposed regulations. Contact: Lynn Garthright (334) 271-7878

NPDES Stormwater Permit The ADEM is proposing a general NPDES storm water permit for small municipal separate storm sewer system (MS4) discharges. Written comments were extended to 2/08/03.
<http://www.adem.state.al.us/PublicNotice/Dec/12MunicipalGP.htm> Contact: Mr. Russell Kelly (205) 271-7771

Water/Drinking Water (Chapter 335-7) The ADEM is proposing to adopt federal drinking water standards. The standards will: (1) modify monitoring requirements for radionuclides; (2) adopt the maximum contaminant level for arsenic; and (3) add filter recycling requirements for all surface plants that recycle backwash water. The Department held a public hearing 02/05/03. Written comments were due 02/07/03.
<http://www.adem.state.al.us/PublicNotice/Dec/12Div7.htm> Contact: Ed Hughes (334) 271-7773

Water Quality Standards (Triennial Review) The ADEM is starting a triennial review of its water quality standards. The Department held a public meeting 01/15/03. Written comments were due 02/14/03. The public is invited to make recommendations on improvements to the state's water quality standards.
<http://www.adem.state.al.us/PublicNotice/Dec/12Triennial.htm> Contact: Lynn Sisk (334) 271-7826

TMDL (2002 303(d) List) As required under the Clean Water Act, the ADEM is proposing a 2002 303(d) List of Impaired Waters in the state. The Department addressed final comments and submitted final list to USEPA for approval. Contact Lynn Sisk (334) 271-7826

FLORIDA

Legislative Proposals

Water (Florida H.B. 279) Requires local governments to be notified of proposed consumptive use permits. Requires that projects be consistent with the affected local government's comprehensive plan and that the applicant has obtained all of the necessary land use and zoning permits. Introduced and referred to Public Lands and Water Resources; Natural Resources; and Local Government and Veterans' Affairs Committees February 25, 2003. Prospects for consideration are favorable. Sponsor: Representative Larry Cretul
<http://www.flsenate.gov/data/session/2003/House/bills/billtext/pdf/h0279.pdf>

Land Use (Florida S.B. 1104) Expresses legislative intent to revise laws regarding development surrounding military installations to ensure compatible zoning regulations and community growth. Introduced and referred to Senate Military and Veterans' Affairs, Base Protection, and Spaceports; Comprehensive Planning; Appropriations Subcommittee on Transportation and Economic Development; Appropriations; and Rules and Calendar Committees February 26, 2003. Prospects for passage are unclear. Legislative sources indicate that this measure has not yet been scheduled for a committee hearing. Sponsor Senator Mike Fasano
<http://www.flsenate.gov/data/session/2003/Senate/bills/billtext/pdf/s1104.pdf>

Land Use (Florida S.B. 2152; Companion Bill H.B.661) Provides legislative findings relating to the compatibility of development with military bases and installations. Provides for an exchange of information between certain local governments and military bases or installations. Requires the local government to consider the comments of the

commanding officer of a military base or installation relating to potential adverse effects on the base or installation, which may result from rezoning or changes in land use. Provides that an element relating to military readiness is a mandatory element of the comprehensive plan for local governments in counties in which military bases or installations are located. Requires such local governments to seek advice from individuals who may be affected by this element. Provides factors that must be considered in connection with this element. Provides that a comprehensive plan amendment relating to military readiness may be made at any time and does not count toward the limitation on the frequency of plan amendments Filed March 4, 2003. Referred to Senate Military and Veterans' Affairs, Base Protection, and Spaceports; and Comprehensive Planning Committees March 18. Prospects for consideration are favorable. Sponsor Senator Mike Fasano. http://www.flsenate.gov/cgi-bin/view_page.pl?Tab=session&Submenu=1&FT=D&File=sb2152.html&Directory=session/2003/Senate/bills/billtext/html/

Cleanup (Florida H.B. 1123) Extends application of risk-based corrective action principles to all contaminated sites resulting from discharge of pollutants or hazardous substances. Provides for contamination cleanup criteria that incorporate risk-based corrective action principles to be adopted by rule. Creates State-Owned Lands Cleanup Program to address site rehabilitation of contaminated state-owned lands. Effective immediately.

Status: Introduced March 4, 2003. Referred to House Environmental Regulation; Natural Resources; Finance and Tax; Agriculture & Environment Appropriations; and Appropriations Committees March 7. Hearing scheduled in House Environmental Regulation Committee March 19.

Outlook: Prospects for consideration are favorable. Legislative sources indicate that this bill is expected to receive support from the House Environmental Committee and the Department of Environmental Protection. Sponsor:

Representative Donna Clarke http://www.flsenate.gov/cgi-bin/view_page.pl?Tab=session&Submenu=1&FT=D&File=hb1123.html&Directory=session/2003/House/bills/billtext/html/

Final Rules

Phase II Stormwater Generic Permit (Rule 62-621.300 F.A.C.) The Department adopted regulations to implement Phase II of USEPA's stormwater program. The Phase II regulations include a generic permit for municipal separate storm sewer systems (MS4s). The Department held rule development workshops 01/18/02 and 04/05/02. The Department held another rule development workshop 06/27/02. Written comments were due 01/17/03. The Department is also developing regulations for the regulation of stormwater discharges from small construction activities. The Department originally proposed the generic permit as a package with other stormwater regulations for MS4s. However, the Department adopted separately the generic permit for MS4s, Rule 62-621.300 F.A.C. effective 02/07/03. <http://tlhora6.dep.state.fl.us/onw/publications/12-NRM62-621-Internet.pdf> Contact: Fred Noble (850) 921-9382.

Proposed Rules

Phase II stormwater permits and fees (Chapters 62-4, 62-620, 62-621, 62-624 F.A.C.) The FLDEP is proposing regulations to implement Phase II of USEPA's stormwater program. The Phase II regulations include: (1) a generic permit for municipal separate storm sewer systems (MS4s); and (2) regulation of small Municipal Separate Storm Sewer Systems (small MS4s). The proposed regulations will: (1) incorporate by reference the Department's generic permit for stormwater discharge from large and small construction activities, effective 05/01/03; (2) specify that large construction activities (disturbing five or more acres) are still covered by the current generic permit until 05/01/03; (3) incorporate by reference the Department's generic permit for discharge from Phase II municipal separate storm sewer systems, effective 05/01/03; and (4) establish permit requirements for Phase II municipal separate storm sewer systems. Written comments were due 01/17/03. The Department is also developing regulations for the regulation of stormwater discharges from small construction activities. Requests for hearing and statements of costs and alternatives are due 03/21/03. Chapter 62-621: <http://tlhora6.dep.state.fl.us/onw/publications/6-NRM62-621-2-28-03-Internet.pdf> Chapter 62-624: <http://tlhora6.dep.state.fl.us/onw/publications/13-NRM62-624-Internet.pdf> Chapter 62-624: <http://tlhora6.dep.state.fl.us/onw/publications/5-NRM62-624-2-28-03-Internet.pdf> Contact: Fred Noble (850) 921-9382

Drinking Water/ Consumer confidence reports (Rule 62-550.824, 62-550.900 F.A.C.) The FLDEP is proposing amendments to rules regulating consumer confidence reports (CCR). The amendments will: (1) clarify the reporting of analytical results; (2) require the inclusion informational and educational statements; (3) incorporate by reference

the FRWA/DEP CCR Template Instructions and Template; (4) clarify reporting requirements for community water systems issued variances and exemptions; (5) revise requirements for Internet distribution of CCRs; and (6) clarify CCR distribution requirements. The Department has re-issued the requests for hearing. Requests for hearing were due 02/07/02. The Department amended the proposed amendments to include federal requirements adopted 12/09/02 and made drafting changes for clarity. Page 1108 (Page 18 of 117 of the Adobe Acrobat file): <http://faw.dos.state.fl.us/newfaw/FawVolumeFolders2002/2810/2810.html> Contact: Mr. Gregory Parker (608) 267-3859

Interim Enhanced Surface Water Treatment/Drinking Water (Chapters 62-550, 62-555, and 62-560 F.A.C.) The FLDEP is preparing revisions to the construction and permitting of public water supply systems. The possible amendments include: (1) incorporating USEPA's Interim Enhanced Surface Water Treatment Rule; (2) amending the state surface water treatment rules by replacing paraphrasing of federal rules with references to federal rules; and (3) moving surface water treatment rules from Chapter 62-555 F.A.C. to Chapter 62-550. Surface water treatment rules also cover public water systems using ground water under the direct influence of surface water. Staff expects a proposal around the end of 2002. Statements of costs and alternatives are due 01/17/03. Requests for hearing were due 01/17/03. The Department amended the Interim Enhanced Surface Water Treatment Rule portion of the proposed rule to require systems with significant deficiencies to develop a plan for addressing the deficiencies. The amendment also made corrections and drafting changes to the proposed rule.

<http://tlhora6.dep.state.fl.us/onw/publications/1-550NPR-Internet.pdf>

<http://tlhora6.dep.state.fl.us/onw/publications/2-555NPR-Internet.pdf>

<http://tlhora6.dep.state.fl.us/onw/publications/4-NOC550-2-21-03-Internet.pdf> Contact: Mr. Gregory Parker (608) 267-3859

Tanks/Operation Requirements (Chapter 62-761 F.A.C.) The FLDEP is drafting potential changes to the petroleum storage tank systems. The amendments will: (1) reformat and reorganize the rules for clarity; (2) provide release detection requirements by storage tank component type; (3) provide for the issuance of registration placards after the Department verifies the financial responsibility mechanism; (4) provide for an alternative dike field area option for field-erected aboveground tanks; (5) create a new form for release autopsy reporting; (6) update existing forms and references; and (7) provide for release detection options for underground bulk product piping. The Department scheduled a workshop for 12/11/02.

<http://tlhora6.dep.state.fl.us/onw/publications/5-Wkshop761Dec02-Internet.pdf> Contact: John Svec (850) 488-3935

Hazardous Waste/Used Oil Fuels (Ch. 62-710.210, .500, .510, .600, .800, .850, and .901) The FLDEP has drafted a proposal to make technical corrections to Ch. 62-710 regarding used oil management. The insurance requirements for certified used oil transporters need to be updated and clarified. The requirements for storage and process tanks applicable to used oil processors need to be updated to reflect changes in other Department rules. The permitting requirements for used oil processors that also manage other solid waste need to be amended so that facilities can more readily operate under a single Department permit. Finally, the Department anticipates that other amendments may be proposed by the regulated community during the rulemaking process. The Department plans to hold a rule development workshop by February 2003.

http://www.dep.state.fl.us/waste/quick_topics/publications/shw/used_oil/rulemaking/6-14draft.pdf Contact: Richard Neves (850) 487-4667

Cleanup/Brownfields (Chapters 62-777, 62-785 F.A.C.) The FLDEP is preparing an amendment to its contaminant cleanup criteria (Docket 01-36R). The amendment will change: (1) the contaminant cleanup target levels applicable to the cleanup of petroleum, drycleaning solvent, and brownfield contaminated sites; and (2) cleanup target levels for treatment of contaminated soils. The department held a workshop 02/13/03. Staff indicates that the earliest possible date for a final rule is late summer 2003. <http://tlhora6.dep.state.fl.us/onw/publications/5-Notice777RuleDevelop.pdf> Contact: Roger B. Register (850) 488-3935

TSD Facilities/Hazardous Waste (Chapter 62-730 F.A.C.) The FLDEP is preparing to amend its requirements for TSD facilities. The amendments include: (1) establishment of clean closure plans; (2) incorporating hazardous waste closure and corrective action flexibilities; (3) modifying fee schedule; and (4) clarifying time periods and documentation requirements. The Department held a workshop on December 9, 2002. The Department postponed rulemaking until after the legislative session ends in May 2003. <http://tlhora6.dep.state.fl.us/onw/publications/9-NOTICEOFPUBLICWORKSHOP-Internet.pdf> Contact: Diane Hunt (850) 245-8777

Drinking Water (Chapters 62-555 and 62-560 F.A.C.) The FLDEP is proposing to adopt federal drinking water standards for: (1) arsenic; and (2) radionuclides.

<http://tlhora6.dep.state.fl.us/onw/publications/1-AsRadsRule-Internet.pdf>

<http://tlhora6.dep.state.fl.us/onw/publications/2-AsStandard-Internet.pdf>

<http://tlhora6.dep.state.fl.us/onw/publications/3-62-560Table-Internet.pdf>

Written objections are due 01/24/03. Written comments are due 01/31/03 Michael D. LeRoy (850) 921-9447

Air Toxics (Rule 62.204.800 F.A.C.) The FLDEP is proposing to adopt by reference federal air rules published through 12/31/02 (4th quarter). The rules include: (1) paper and other web coating NESHAP; (2) friction productions manufacturing NESHAP; (3) POTW NESHAP amendments; and (4) municipal solid waste landfill NESHAP. The Department published the rule proposal 02/21/03. The Department is proposing the rules using the fast-track rulemaking process. Written objections are due 03/07/03. Written comments are due 03/14/03. Contact: Stacy Ladner (207) 287-2651

GEORGIA

Legislative Proposals

Groundwater (Georgia H.B. 237) Relates to additional duties and powers of the State Soil and Water Conservation Commission. Provides for certain powers and duties related to water resources. Changes certain provisions relating to permits for withdrawal, diversion, or impoundment of surface waters and monitoring, recording, and reporting water withdrawn by certain irrigation systems. Changes certain provisions relating to definitions relative to groundwater use. Changes certain provisions relating to permits to withdraw, obtain, or use ground water, water conservation plans, factors to be considered, notice of official acts, administrative hearings, and judicial review. Changes certain provisions relating to emergency orders, hearings, and appeals. Provides for preparation, review, and submission of a proposed comprehensive statewide water management plan. Provides legislative findings and declarations. Introduced January 31, 2003. Reported from Committee February 13. Passed House February 28. Prospects for passage in Senate passage are fair. The Senate has its own water planning measure that differs from the House version. This bill passed the House by a wide margin (141-27) after a few hours of debate. Sponsor Representative Robert Hanner http://www.legis.state.ga.us/legis/2003_04/fulltext/hb237.htm

Water Use (Georgia S.B. 180) Provides for comprehensive state water planning. Changes certain provisions relating to declaration of policy and legislative intent relative to control of water pollution and surface-water use. Changes certain provisions relating to permits for withdrawal, diversion, or impoundment of surface waters and monitoring, recording, and reporting water withdrawn by certain irrigation systems. Introduced and referred to Senate Natural Resources Committee February 26, 2003. This bill is the Senate and environmental community's response to H.B. 237, the House's water planning measure. Legislative sources expect that a conference committee will be needed for the two chambers to reach a compromise. Harold Reheis, Director of the state Environmental Protection Division has been actively working in support of a new water plan. He is attempting to ease the fears of rural legislators concerned their regions will have their water taken from them if this measure is enacted. H.B. 237 passed the House by a wide margin (141-27) after a few hours of debate. Sponsor Senator Rene Kemp http://www.legis.state.ga.us/legis/2003_04/fulltext/sb180.htm

Proposed Rules

TMDLs/ Chattahoochee and Flint River Basins (Chattahoochee and Flint River Basins) The GA DNR is proposing TMDLs for the Chattahoochee and Flint River Basins. For the Chattahoochee River Basin, the TMDLs include: (1) Chattahoochee River for fish consumption guidance for mercury; (2) Upper Chickasawhatchee for sediment; (3) Spring Creek for sediment; (4) Red Oak Creek for sediment; (5) White Creek for sediment; (6) Hazel Creek for sediment; and (7) Mineral Springs Branch for toxicity. For the Flint River Basin, the TMDLs include: (1) Avera Creek for pH; (2) Beaver Creek for fish consumption guidance for mercury; (3) Kinchafoonee Creek for fish consumption guidance for mercury; (4) Patsiliga Creek for fish consumption guidance for mercury; (5) Whitewater Creek for pH; and (6) Sweetwater Creek for pH. Written comments were due 10/30/02.

<http://www.epa.gov/region4/water/tmdl/georgia/GA083002.htm> Contact: Sybil Cole (404) 562-9437

CAA NESHAPS (Rule 391-3-1-.01, .02, .15 and 391-3-20.04, .17) The GA DNR is proposing amendments to adopt federal air standards. The amendments include: (1) an effective date of 09/25/02 for its procedures for testing and monitoring sources (PTM); (2) NESHAPs for polyvinyl chloride and copolymers production; (3) NESHAPs for primary copper smelting; (4) NESHAPs for catalytic cracking, catalytic reforming, and sulfur plant units in petroleum refineries; (5) NESHAPs for wet formed fiberglass mat production; (6) NESHAPs for large appliances surface coating operations; (7) NESHAPs for metal coil surface coating operations; (8) NESHAPs for leather finishing operations; (9) NESHAPs for cellulose products manufacturing; (10) NESHAPs for tire manufacturing; (11) a formal addition of a one-year grace period into the transportation conformity rule; (12) removal of an outdated reference date in the onboard diagnostics regulations; and (13) set the repair waiver limit at \$658 for test year 2003. Written comments were due 10/29/02. The Department held a public hearing 10/29/02. The GA DNR was scheduled to meet 12/04/02. Contact: Ron Methier (404) 363-7000

Air Opacity (Chapter 391-3-1-.02, -.03) The GA DNR is proposing rules for the control of VOC emissions from expanded polystyrene production, regulation of open burning, and NOx. The amendments will: (1) prohibit Georgia Power from operating certain large stationary gas turbines under normal conditions during ozone season; (2) establish VOC emission standards for extruded polystyrene production using a blowing agent, based on RACT determinations; (3) give the Department broader discretion to provide exceptions for open burning prohibitions; (4) exempt prescribed burning and agricultural burning from the 40% opacity standard; (5) prohibit "acquired structure burn," a type of firefighting training, during ozone season in the 45-county North Georgia area; (6) adopt federal NESHAPs for municipal solid waste landfills; and (7) adopt federal NESHAPs for paper and other web coatings. The Department will hold a public hearing 03/05/03. Written comments are due 03/05/03. The SREO submitted comments on behalf of the GA Army installations. The Board of Natural Resources will meet 03/26/03 to review the rules. http://www.ganet.org/dnr/environ/rules_files/propose_files/391-3-1_rul.pdf Contact: Ron Methier (404) 363-7000

Hazardous Waste (Chapter 391-3-19) The GA DNR is proposing amendments to its hazardous site response rules in order to implement Georgia HB 1406, which extended the program for another 10 years to 2013. Amendments include: (1) prospective purchaser protections and compliance; (2) federal agency participation; and (3) risk reduction standards. The Department is now holding stakeholders meetings. The Department will hold a public hearing 04/02/03. Written comments are due 04/04/03. The Board of Natural Resources will hold a hearing 04/23/03. Contact: Tim Cash (404) 657-8600

KENTUCKY

Legislative Proposals

Land Use, Growth Management (Kentucky S.B. 47) Amends KRS 100.187 requires planning units (e.g. city, county governments) to make provisions for the accommodation for military installations greater than or equal to 300 acres in area. Establishes the goal of minimizing conflicts after consultation with relevant installations command authority to determine the installation's needs in terms of expansion, environmental impact, safety and air space usage (to include noise and air pollution). Introduced January 9, 2003. Referred to Senate Veterans, Military Affairs, And Public Protection Committee January 10. Amended and reported from Committee February 10. Referred to House Rules Committee February 11. Posted for passage February 12. Passed Senate February 13. Received in House February 14. Referred to House Seniors, Military Affairs, and Public Safety Committee February 18. Posted in Committee February 20. Reported from Committee February 25. Referred to House Rules Committee February 26. Prospects for House consideration are diminishing. The measure received bi-partisan support in passing the Senate (32-1). Lawmakers will return to Frankfort March 24 and 25 to consider measures returned by Governor Paul Patton (D). The Legislature is scheduled to adjourn March 25. The sponsor is Senator E. Tori from District 10. <http://www.lrc.state.ky.us/record/03rs/SB47/bill.doc>

Special Request (Kentucky H.B. 474) States that no permit to treat or destroy a live chemical agent can be granted as a research, development, or demonstration project except for a pilot scale operation. States that permits can only be issued if the application includes documentation from the host county that infrastructure requirements in the emergency plan will be provided and funding is provided for costs of a community liaison for community relations, emergency planning, community oversight of construction, operation, closure and emergency response of the facility. <http://www.lrc.state.ky.us/record/03rs/HB474/bill.doc> Introduced February 12, 2003. Referred to House Seniors,

Military Affairs and Public Safety Committee February 13. Prospects for passage are poor. Lawmakers will return to Frankfort March 24 and 25 to consider measures returned by Governor Paul Patton (D). While it is still technically feasible for this measure to be heard, it is highly unlikely. The Legislature is scheduled to adjourn March 25. Passed House March 6 and sent to Governor March 10. Sponsored by Representative Harry Moberly

Proposed Rules

MACT/Air Toxics (401 KAR 63:105) The KDEP is proposing to amend its Maximum Achievable Control Technology (MACT) standards to adopt regulations regarding case-by-case MACT determinations for sources without MACT standards. <http://www.nr.state.ky.us/nrepc/dep/daq/pubinfo/63-105-Amendment.pdf> The department approved the amendments. The Administrative Regulation Review Subcommittee will consider at its 02/11/03 meeting. The Administrative Regulation Review Subcommittee was expected to review the amendments at its meeting 03/11/03. The Contact: Carl Millanti (502) 573-3382

Solid Waste Fees (401 KAR 47:095) The KDEP is proposing amendments to its fees for solid waste facilities. Owners and operators of contained landfills and construction/demolition debris landfills will be required to collect an environmental remediation fee of \$1.75 per ton. Transfer stations collecting municipal solid waste for transfer out of state will be required to collect an environmental remediation fee of \$1.75 for every 3 cubic yards of compacted waste and \$1.75 for every 5 cubic yards of all other waste. Written comments were due 11/25/02. The Administrative Regulation Review Subcommittee reviewed and requested changes to the rule at its 2/11/03 meeting. Contact: Michael Mullins (502) 564-6716 ext. 282

Hazardous Waste (401 K.A.R. 31:005 et seq.) The KDEP is planning to adopt federal hazardous waste regulations published between July 1996 and March 1999. The Department will adopt the federal rules verbatim. The possible adoptions include: (1) military munitions; (2) land disposal restrictions, phase IV, including the scrap metal exclusion; (3) carbamate production; (4) organic air emission standards for tanks; (5) recycled oil; (6) treatment standards for metal wastes and mineral processing wastes; (7) hazardous soil treatment standards; (8) Bevill exclusion revisions; (9) hazardous waste combustors revised standards; (10) petroleum refining process; (11) treatment standards for spent potliners; (12) closure and postclosure requirements; (13) HWIR-Media; (14) universal waste rule amendments; and (15) organic air emission standards. The Department plans to propose the rules in spring 2003. Contact: Abbie Meyer (502) 564-6716

Air Toxics (401 K.A.R. 52:080, 57:002, 60:005, 63:002) The KDEP is preparing to propose the adoption of recent federal air standards. The amendments include: (1) the exemption from Title V permitting requirements for sources that began construction on or before 12/14/95; (2) NESHAPs published after 07/01/01; and (3) federal performance standards, published after 07/01/01, for new stationary sources. Requests for hearing are due 03/18/03. If requested, the Department will hold a hearing 03/28/03. Written comments are due 03/28/03 if a hearing is requested or 03/18/03 if it is not. **Contact:** Carl Millanti (502) 573-3382

MISSISSIPPI

Proposed Rules

RCRA Hazardous Waste Management Regulations (Part 260 et seq.) The MDEQ is proposing to adopt USEPA hazardous waste regulations published since 03/17/00. The amendments will: (1) vacate the regulatory provisions governing the identification of organobromine production waste as listed hazardous wastes and modify the Land Disposal Restriction (LDR) treatment standards by deleting these waste and associated waste treatment standards; (2) list as hazardous two waste streams generated by the chlorinated aliphatics industry and finalize the determination not to list as hazardous four additional wastes streams; (3) defer a portion of the rule applying Land Disposal Restrictions (LDR) to constituents subject to treatment in soils contaminated with certain characteristic hazardous wastes (PCBs); (4) provide increased flexibility through regulatory change to facilities that manage low-level mixed waste (LLMW) or accelerator produced radioactive material (NARM) containing hazardous waste; (5) list as hazardous three waste streams generated by the inorganic chemical manufacturing processes and establish treatment standards under the Land Disposal Restriction (LDR) program; (6) amend the 1993 Corrective Action Management Unit (CAMU) Rule, Rule changes include restrictions on waste types allowed in CAMU's, increased design requirements, establishment of treatment standards for wastes placed in CAMUs, and requirements for additional information and public participation in CAMU applications; (7) set interim emission standards for hazardous air pollutants from incinerators, cement kilns and lightweight aggregate kilns that burn hazardous wastes;

and (8) list as hazardous two waste streams generated by the paint production industry and establish treatment standards under the Land Disposal Restriction (LDR) program. The Department was scheduled to conduct a public hearing on 9/12/02. Contact Jerry Banks (601) 961-5221

Phase I Stormwater Permit (Small Construction General Stormwater Permit) The MDEQ is proposing a general stormwater NPDES permit for small construction activities. Small construction activities are defined as work that disturbs one to less than five acres. Written comments were due 02/02/03. Contact: James Morris (601) 961-5151

Underground Storage Tanks (UST-1) The Department is proposing amendments to its regulations regarding environmental response contractor requirements in its leaking underground storage tank program. The proposed revisions add the requirement that a listed Environmental Response Action Contractor have on staff or on contract both a Professional Engineer and a Registered Professional Geologist authorized to practice those professions in Mississippi. The Department will hold a public hearing 03/18/03. Written comments were due 03/19/03. Contact: Walter Huff (601) 961-5142

NORTH CAROLINA

Final Rules

TSD Facilities/Hazardous Waste (15A NCAC 13A.0101, .0109, .0113) The DENR has approved amendments to its hazardous waste regulations. The amendments will: (1) add Subpart I, "Integration with Maximum Achievable Control Technology (MACT) Standards", to provide options for incinerators and cement and lightweight aggregate kilns to minimize emissions from startup; and (2) update the cost of the rule book and retitle a section. The Department is also adopting recent USEPA updates regarding the disposal of corrective action management unit wastes in permitted hazardous waste landfills. The Department will hold a public hearing 01/17/03. Written comments are due 02/03/03. The department approved the rules and has filed them with the Rules Review Commission for further review. Register page 1097 (Page 10 of 50 in Adobe Acrobat file): <http://oahnt.oah.state.nc.us/register/Volume17Issue13.pdf> Contact: Jill Pafford (919) 733-4996 ext. 219

Proposed Rules

Air/CAA MACT (15A NCAC 02D.1109, 02Q.0526) The DENR is proposing to adopt the federal requirements for implementing case-by-case MACT determinations when USEPA fails to set a MACT standard in a timely manner. The Department held a meeting on August 20, 2002. Written comments were due September 3, 2002. Register pages 224 and 228 (Pages 91 and 95 of 205 in the Adobe Acrobat file) <http://oahnt.oah.state.nc.us/intranet/register/Volume17Issue03.pdf> Contact: Tom Allen (919) 733-1489

Stormwater (15A NCAC 02H.0126) The DENR is proposing permanent amendments to further implement USEPA's Phase II Stormwater Regulations. These amendments include: (1) criteria to designate certain municipalities, which are not automatically designated, subject to phase II; (2) requirements for petition submittals to designate municipalities subject to phase II; (3) post-construction run-off control criteria; and (4) storm water regulations for communities in which part is automatically designated as subject and part is not. The Department also believes that local governments can rely on the erosion and sedimentation control program (whether implemented by the local government or by state staff) to satisfy the Phase II requirement for construction site stormwater runoff control. After a series of stakeholders' meetings and workshops, the Department decided not to pursue a comprehensive stormwater program. Instead the Department adopted temporary rules to implement the requirements of federal phase II storm water requirements, followed by these permanent rulemaking. The Department will hold public hearings on the proposed permanent rules 04/01/03 in Smithfield, 04/07/03 in Wilmington, 04/17/03 in Asheville, 04/22/03 in Kernersville, and 04/28/03 in Washington. Written comments are due 05/16/03. If adopted, the permanent rules are expected to become effective 08/01/04. The Department published the temporary regulations 11/15/02. They became effective 11/01/02. Register page 1641 (Page 29 of 83 in Adobe Acrobat version): <http://oahnt.oah.state.nc.us/register/Volume17Issue18.pdf>. Contact: Darren England (919) 733-5083, ext. 223

SOUTH CAROLINA

Final Rules

Stormwater (Reg. 61-9) The South Carolina Department of Health and Environment (DHEC) has approved

amendments to its regulations regarding water pollution control permits. The amendments will: (1) change the storm water discharge requirements to provide the consolidation of control criteria for sediment and erosion control and to supplement other changes published in the State Register and effective July 27, 2001, which resulted from the promulgation of Federal round II regulations (Federal Register [FR] December 8, 1999); (2) establish requirements to enhance the viability of wastewater facilities; (3) establish requirements for standard NPDES permit language and/or conditions; (4) establish requirements related to operation and maintenance of wastewater facilities; (5) clarify the application of fecal coliform limits for land application and/or surface waters; (6) make miscellaneous administrative changes such as minor permit modifications, revision to permit-transfer provisions, and authorization of a permit reopener; (7) require control odor with domestic and industrial sludge treatment and discharge; and (8) require wastewater discharge permittees post a sign with the location of their outfall.

<http://www.scstatehouse.net/regs/2783.doc> Written comments were due 10/30/02. The Board of Health and Environmental Control held a public hearing 12/12/02 and approved the amendments. The approved rule requires legislative review. The legislative review period expires 05/29/03. Contact Andrew Yasinac (803) 898-4237

Wastewater (R. 61-56) The DHEC has approved amendments to its regulations for individual onsite wastewater disposal systems. The proposed amendment encompasses procedures and criteria for evaluation of sites, issuance of permits, and installation of individual waste disposal systems. The proposed regulation will also incorporate updates to nomenclature and technology. <http://www.scstatehouse.net/regs/2801.doc> The Department held an information forum 11/20/02. Written comments were due 11/26/02. The Board of Health and Environmental Control held a public hearing 01/09/03 and approved the amendments. Legislative review is required for this rulemaking. There was a resolution, H. 3640, introduced 02/19/03 in the Legislature to disapprove the amendments. This tolls the review period for 120 days. Contact: Roger D. Scott (803) 896-0647

Proposed Rules

Hazardous Waste (R. 61-79) The DHEC is preparing to adopt federal hazardous waste regulations published through 06/30/02. The regulations include: (1) corrective action management unit standards; (2) a clarifying revision to the mixture and derived-from rules; (3) new listings for three inorganic chemical manufacturing wastes including additional toxic constituents and treatment standards for the wastes; (4) deletion of regulatory language vacated by two federal court actions for some mineral processing secondary materials and the application of the Toxicity Characteristic Leaching Procedure to manufactured gas plant wastes; and (5) interim USEPA requirements for Hazardous Air Pollutant Standards for Combustors. The Department is drafting the rules and will accept written comments through 11/29/02. The Department expects to formally propose the rule in April or May 2003. Contact John Litton (803) 896-4000

Wetlands (R.61-101) DHEC is preparing regulations to provide a permitting program to reinstate the Department's previous authority to regulate all discharges into isolated waters. The regulations will also streamline the process for obtaining a permit for discharges into isolated waters and wetlands. Now there is state review for fill into isolated wetlands only if another state permit is required. Written comments were due 01/27/03. Legislative review is required for this rulemaking. Contact: Sally Knowles (803) 734-5312

Drinking Water (R. 61-58) The DHEC is preparing to adopt federal drinking water standards. The amendments will: (1) make minor revisions to the public notification and consumer confidence report rules; (2) correct drinking water source information listed for copper; (3) change the placement of regulatory and health effects information for disinfection by-products (i.e., bromate, chloramines, chlorite, chlorine, and chlorine dioxide); (4) correct the reference "chloride dioxide" to "chlorine dioxide"; and (5) amend the listing for three contaminants (i.e., bromate, chlorite, and total trihalomethanes) to correct source information given in Appendix D of the rules. Written comments are due 03/31/03. Legislative review is not required for this amendment. Contact: Valerie Betterton (803) 898-4153

Water Quality Standards (R. 61-69) The DHEC is preparing to amend its water quality standards as part of its triennial review of standards. The review will address the following issues: (1) review and adoption of Federal toxics criteria to reflect the most current final published criteria according to Sections 304(a) and 307(a) of the CWA; (2) review and revision of the bacteriological indicator for protection of recreational uses for possible changes and its suitability and application; (3) inclusion of an allowance for a variance from water quality standards; and (4) stylistic changes which may include corrections for: readability, grammar, punctuation, typography, codification, references, and language style. Written comments are due 03/31/03. Contact: Gina L. Kirkland (803) 898-4250

Final Rules

CAA/Opacity (Rule 1200-3-4-.04) The Tennessee Department of Environment and Conservation amended its restrictions against open burning of rubber products by creating an exception for firefighting training. The amendment creates an exception for incidental rubber products such as plumbing, wire insulation, and doorframes incorporated into a structure. It does not exempt the burning of buildings where rubber or plastic is used as exterior siding or structural load-bearing elements. The Department adopted the rule effective 04/02/03. Register page 46 (Page 52 of 97 in the electronic version): <http://www.state.tn.us/sos/pub/tar/2002-06.pdf> Contact: Malcolm Butler (615) 532-0600

Stormwater (MS4 General Permit) The TDEC Division of Water Pollution Control has identified 84 city and county governments subject to EPA Phase II regulatory program. This does not include military bases, large hospital or prison complexes or highway systems. The TDEC has decided that discharges of stormwater from MS4s are similar and that the minimum measures that communities must enact to prevent pollution from runoff are much the same. Given the similarity of discharges and necessary permit conditions, TDEC has determined to regulate runoff from small MS4s via a general permit. Permittees (or co-permittees) are expected to submit an Notice of Intent (NOI) or apply for an individual permit by March 10, 2003. The minimum permit conditions will include the six measures EPA prescribed in 40 CFR 122.34. The Department adopted the permit effective 02/28/03. The permit expires 02/26/08. <http://www.state.tn.us/environment/wpc/stormh2o/MS4II.shtml> Contact: Robert Haley (615) 532-0625

Proposed Rules

RCRA/Hazardous Waste Fees (*Rules of the TDEC Chapter 1200-1-11*) The Tennessee Department of Environment and Conservation (TDEC) is proposing amendments to its hazardous waste regulations related to fees to include base dollar amounts in addition to a dollar amount assessed on each pound of hazardous waste. The amendments include changes to: (1) permit fees for transporters, storage, and disposal facility (TSD) activities related to response to accidental discharges requiring remedial investigations and onsite treatment; (2) TSD installation identification number application fee; (3) TSD annual maintenance fees; (4) hazardous waste tipping fee; (5) generator fees; and (6) special report fees. The proposed rule was revised and sent to the Attorney General Office for final review. Expected to become effective 10/8/02 See Register page 76 (Page 82 of 105 in the Adobe Acrobat file) <http://www.state.tn.us/sos/pub/tar/2002-05.pdf> Contact: Gerald "Jerry" E. Ingram (615) 532-0850

CAA Permit Standards (Rule 1200-3-9-.03(8)) The TDEC is proposing to add a new provision specifying that issuance of a permit containing federal standards does not repeal by implication applicable state standards. In other words, the new provisions clarify that the inclusion of conditions containing federal requirements that are less restrictive than the Department's requirements concerning the same matter does not cause a relaxation of the Department's requirements. Written comments were due October 16, 2002. Contact: John D. Patton (615) 532-0554

CAA Title V Permit Fees (TCA 68-201-105 and 4-5-201et seq.) The TDEC is proposing to amend construction and annual emission fees. The rate at which major source actual based annual emission fees are assessed at \$28.00 per ton for the annual accounting period of July 1, 2002 to June 30, 2003. The rate at which major source allowable based annual emission fees are assessed at \$17.00 per ton for the annual accounting period of July 1, 2002 to June 30, 2003. These annual rates shall be supported by the Division's annual workload analysis that is approved by the Board. A public hearing is scheduled for November 18, 2002. Written comments were November 18, 2002 See pp. 151-153 <http://www.state.tn.us/sos/pub/tar/2002-10.pdf> Contact: Malcolm Butler (615) 532-0600

Hazardous Waste Management (Rule 1200-1-11et seq. TCA 68-212-106, 68-212-107, 68-212-108, 68-212-109, 68-212-110 and 68-212-114 et seq.) The TDEC is proposing to adopt federal regulations published in the Federal Registers that the EPA made between October 3, 2001 and April 9, 2002 to the corresponding Federal Regulations. Three inorganic chemical manufacturing wastes, K176, K177, and K187, are being added to the list of hazardous wastes. The Corrective Action Management Unit (CAMU) rule is being amended to facilitate cleanups. Emissions standards vacated by the U.S. Court of Appeals are being temporarily replaced until final standards can be established. Mineral processing characteristics byproducts and sludges are being reclaimed as solid waste and Toxicity Characteristic Leaching Procedure (TCLP) is disallowed to be used for determining whether gas plant (MGP) wastes is hazardous are being implemented. The Division has prepared an initial set of draft rules for public review and comment. A public rulemaking hearing was scheduled for November 19, 2002. Written comments were

due December 3, 2002. The DRAFT rules may be accessed for review using <http://www.state.tn.us/environment/swm/swmppo/rules902htm>

Cleanup/Brownfield's/Lead (Rules 1200-1-18-.05, -.06) The TDEC is proposing updates to its lead abatement program. The amendments will: (1) reserve sections .02, .03, and .04; (2) adopt federal standards for lead-based paint hazards; and (3) adopt federal standards for lead-based paint pre-renovation education. The Department will hold a public hearing 01/22/03. Written comments are due 02/07/03.

<http://www.state.tn.us/environment/swm/swmppo/draftlead1202.pdf> Contact: Adrienne White (615) 532-0885

Water Withdrawals (Chapter 1200-5-8) The TDEC is proposing regulations regarding the registration of water withdrawals. The amendments include: (1) means of registration of water withdrawals; (2) manner of calculation for the volume of water withdrawn; and (3) reporting requirements. <http://www.state.tn.us/environment/dws/draftph2.pdf>

The Department will hold a public hearing 02/18/03. Written comments were 02/28/03. Contact: David Draughon (615) 532-0191

Water Quality Standards (Rules 1200-4-3, 1200-4-4) The Department is proposing amendments to its water quality standards based on its 2001 Triennial Review. The changes include: (1) moving streams or stream segments from "unnamed" to "named"; (2) replacement of fecal coliform standard with USEPA's E. coli standard; (3) adoption of revised acute and chronic toxicity values; (4) identification of regional interpretations of narrative fish and aquatic life criteria for the following substances or conditions: nitrate nitrite, total phosphorus, and biological integrity; (5) clarification of existing numeric fish and aquatic life criteria for dissolved oxygen and pH to include regional-based exceptions; (6) change from a 30Q2 low flow basis for applying recreation criteria to a 30Q5 low flow basis, as recommended by USEPA; and (7) clarification of the implementation procedures for the antidegradation standard. The Department will hold public hearings 03/17/03 in Jackson, 03/18/03 in Memphis, 03/24/03 in Nashville, 03/25/03 in Franklin, 03/27/03 in Chattanooga, 03/31/03 in Knoxville, 04/01/03 in Kingsport and Elizabethton, and 04/03/03 in Cookeville. Written comments are due 04/03/03. <http://www.state.tn.us/environment/wpc/02proposedrules-3.pdf> <http://www.state.tn.us/environment/wpc/02proposedrules-4.pdf> Contact: Gregg Denton (615) 532-0699

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